

Serial No. 10/734,949
Filed: December 13, 2003

REMARKS

Applicants wish to thank Examiner Truong for the courtesy shown applicants' representative in the personal interview conducted November 9, 2005. With entry of the present amendment claims 1 to 22, 24 to 34, and 38 to 54 are pending. Claims 23 and 35 to 37 have been cancelled. Claims 1 to 8, 11, 19 to 21, and 29 to 33 have been amended, and claims 38 to 54 have been newly added. The nature of the amendments will be discussed below with regard to the rejection under 35 U.S.C. § 103. The amendments are supported in the specification and claims as originally filed, for example, paragraphs [0005], [0021] and [0027] to [0032]. No new matter has been added by these amendments.

The Director is authorized to charge Deposit Account No. 08-2525 in the amount of \$850.00 to cover the fee for 13 additional claims and 1 independent claim. No additional fees are believed due. However, the Director is hereby authorized to charge any deficit, or credit any overpayment, to Deposit Account No. 08-2525.

REJECTION OF CLAIMS 35 TO 37 UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 35 to 37 stand rejected under 35 U.S.C. § 112, first paragraph, as lacking enablement. While not acquiescing to the rejection, claims 35 to 37 have been cancelled, rendering the rejection moot.

REJECTION OF CLAIMS 1 TO 3, 5, 7, 8, 11, 16, 18, 22 TO 24, 26, 33, AND 34 UNDER 35 U.S.C. § 103 OVER US PATENT 4,668,682 TO SEKIYA ET AL.

Claims 1 to 3, 5, 7, 8, 11, 16, 18, 22 to 24, 26, 33, and 34 stand rejected under 35 U.S.C. § 103 as obvious over US Patent 4,668,682 to Sekiya et al.

Applicants respectfully traverse this rejection for the following reasons. Claims 1 to 3, 5 to 10, 12 to 18, 22, 24 to 28, and 32 to 34 correspond to the original claims having the same numbers which have been amended to remove $-(\text{CH}_2)_n\text{-NR}^5\text{R}^6$ from the definition of R^1 . Claims 4, 11, 19 to 21, and 29 to 31 have been amended and claims 38 to 54 added. These claims correspond to original claims 1 to 8, 11, 16 to 21, and 24 to 33 in which benzyl has been removed from the definition of R^3 .

The compounds of Sekiya et al. require a $-(\text{CH}_2)_n\text{-NR}^1\text{R}^2$ group attached to the ring nitrogen atom (corresponding to R^1 of the instant claims) and a substituted benzyl group attached to the ring carbon atom adjacent to the ring nitrogen (corresponding to R^3 of the instant claims). As amended, instant claims 1 to 3, 5 to 10, 12 to 18, 22, 24 to 28, and 32 to 34 contain the following groups at the R^1 position: $-(\text{CH}_2)_n\text{-CO-NR}^5\text{R}^6$; $-(\text{CH}_2)_n\text{-COOR}^7$; $-(\text{CH}_2)_n\text{-CN}$; $-(\text{CH}_2)_n\text{-OR}^8$; or phenyl, which is unsubstituted or substituted by one to three substituents selected from halogen and fluoro($\text{C}_1\text{-C}_6$)-alkyl. Sekiya et al. do not teach or suggest compounds having such groups in the R^1 position. Thus, these claims as amended are not obvious in view of Sekiya et al.

As amended, instant claims 4, 11, 19 to 21, 29 to 31 and 38 to 54 contain the following groups at the R^3 position: hydrogen, $\text{C}_1\text{-C}_6$ -alkyl, or $\text{C}_3\text{-C}_6$ -cycloalkyl. Sekiya et al. do not teach or suggest compounds having such groups in the R^3 position. Thus, these claims as amended are not obvious in view of Sekiya et al.)

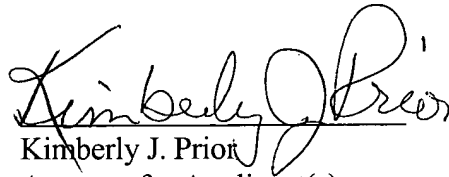
For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

The foregoing amendment is fully responsive to the Office Action issued September 23, 2005. Applicants submit that Claims 1 to 22, 24 to 34, and 38 to 54 are allowable. Early and favorable consideration is earnestly solicited.

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If the Examiner believes there are other issues that can be resolved by telephone interview, or that there are any informalities remaining in the application which may be corrected by Examiner's Amendment, a telephone call to the undersigned attorney is respectfully solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Kimberly J. Prior". The signature is written in dark ink and is positioned above the printed name and contact information.

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